

## Fishery Conservation and Management

## § 665.12

regulations that are more restrictive than those published here.

[61 FR 34572, July 2, 1996, as amended at 69 FR 8341, Feb. 24, 2004; 71 FR 17989, Apr. 10, 2006]

### § 665.12 Definitions.

In addition to the definitions in the Magnuson-Stevens Act, and in § 665.10, the terms used in subparts B through G of this part have the following meanings:

*American Samoa longline limited access permit* means the permit required by § 665.21 to use a vessel shoreward of the outer boundary of the EEZ around American Samoa to fish for Pacific pelagic management unit species using longline gear or to land or transship Pacific pelagic management unit species that were caught in the EEZ around American Samoa using longline gear.

*American Samoa pelagics mailing list* means the list maintained by the Pa-

cific Islands Regional Office of names and mailing addresses of parties interested in receiving notices of availability for American Samoa longline limited access permits.

*Basket-style longline gear* means a type of longline gear that is divided into units called “baskets” each consisting of a segment of main line to which 10 or more branch lines with hooks are spliced. The mainline and all branch lines are made of multiple braided strands of cotton, nylon, or other synthetic fibers impregnated with tar or other heavy coatings that cause the lines to sink rapidly in seawater.

*Bottomfish FMP* means the Fishery Management Plan for Bottomfish and Seamount Groundfish of the Western Pacific Region.

*Bottomfish management area* means the areas designated in § 665.69.

*Bottomfish management unit species* means the following fish:

Common name	Local name	Scientific name
<b>Snappers:</b>		
Silver jaw jobfish .....	Lehi (H); palu-gustusilvia (S) .....	<i>Aphareus rutilans</i> .
Gray jobfish .....	Uku (H); asoama (S) .....	<i>Apion virescens</i> .
Squirrelfish snapper .....	Ehu (H); palu-malau (S) .....	<i>Etelis carbunculus</i> .
Longtail snapper .....	Onaga, ula'ula (H); palu-loa (S) .....	<i>Etelis coruscans</i> .
Blue stripe snapper .....	Ta'ape (H); savane (S); funai (G) .....	<i>Lutjanus kasmira</i> .
Yellowtail snapper .....	Palu-i iusama (S); yellowtail kalekale .....	<i>Pristipomoides auricilla</i> .
Pink snapper .....	Opakapaka (H); palu-ena'ena (S); gadao (G).	<i>Pristipomoides filamentosus</i> .
Yelloweye snapper .....	Palusina (S); yelloweye opakapaka .....	<i>Pristipomoides flavipinnis</i> .
Snapper .....	Kalekale (H) .....	<i>Pristipomoides sieboldii</i> .
Snapper .....	Gindai (H,G); palu-sega (S) .....	<i>Pristipomoides zonatus</i> .
<b>Jacks:</b>		
Giant trevally .....	White ulua (H); tarakito (G); sapo-anae (S).	<i>Caranx ignobilis</i> .
Black jack .....	Black ulua (H); tarakito (G); tafauli (S) ....	<i>Caranx lugubris</i> .
Thick lipped trevally .....	Pig ulua (H); butaguchi (H) .....	<i>Pseudocaranx dentex</i> .
Amberjack .....	Kahala (H) .....	<i>Seriola dumerili</i> .
<b>Groupers:</b>		
Blacktip grouper .....	Fausi (S); gadau (G) .....	<i>Epinephelus fasciatus</i> .
Sea bass .....	Hapu'upu'u (H) .....	<i>Epinephelus quernus</i> .
Lunartail grouper .....	Papa (S) .....	<i>Variola louti</i> .
<b>Emperor fishes:</b>		
Ambon emperor .....	Filoo-gutumumu (S) .....	<i>Lethrinus amboinensis</i> .
Redgill emperor .....	Filoo-palo 'omumu (S); mafuti (G) .....	<i>Lethrinus rubrioperculatus</i> .

NOTES: G—Guam; H—Hawaii; S—American Samoa.

*Carapace length* means a measurement in a straight line from the ridge between the two largest spines above the eyes, back to the rear edge of the carapace of a spiny lobster (see Figure 1 of this part).

*Circle hook* means a fishing hook with the point turned perpendicularly back towards the shank.

*Commercial fishing* means fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter, or trade. All lobster fishing in Crustaceans Permit Area 1 is considered commercial fishing.

*Commonwealth of the Northern Mariana Islands (CNMI)* means Northern Mariana Islands.

*CNMI commercial bottomfish permit* means the permit required by § 665.61 (a)(5) to engage in commercial fishing for bottomfish management unit species in U.S. EEZ waters around the CNMI.

*CNMI offshore area* means the portion of the U.S. EEZ around the CNMI extending seaward from a line drawn 3 nautical miles from the baseline around the CNMI from which the territorial sea is measured, to the outer boundary of the U.S. EEZ, which to the south means those points which are equidistant between Guam and the island of Rota in the CNMI.

*Council* means the Western Pacific Fishery Management Council.

*Coral reef ecosystem management unit species* (Coral reef ecosystem MUS) means all of the Currently Harvested Coral Reef Taxa listed in Table 3 and Potentially Harvested Coral Reef Taxa listed Table 4 of this part and which spend the majority of their non-pelagic (post-settlement) life stages within waters less than or equal to 50 fathoms in total depth.

*Coral reef ecosystem regulatory area* means the U.S. EEZ waters around American Samoa, Guam, Hawaii, CNMI and the PRIA except for the portion of EEZ waters 0–3 miles around the CNMI, and EEZ waters around the NWHI west of 160°50' W. long.

*Crustaceans FMP* means the Fishery Management Plan for Crustacean Fisheries of the Western Pacific Region.

*Crustaceans management area* means the EEZ waters around American Samoa, the CNMI, Guam, Hawaii, and the PRIA.

*Crustaceans management unit species* means the following crustaceans:

Common Name	Scientific Name
Spiny lobsters	<i>Panulirus marginatus</i> .... <i>P. penicillatus</i> .
Slipper lobsters	family Scyllaridae.
Kona crab	<i>Ranina ranina</i> .
Deepwater shrimp	<i>Heterocarpus</i> spp..

*Crustaceans Permit Area 1* (Permit Area 1) means the EEZ off the Northwestern Hawaiian Islands.

*Crustaceans Permit Area 2* (Permit Area 2) means the EEZ off the main Hawaiian Islands.

*Crustaceans Permit Area 3* (Permit Area 3) means the EEZ around Guam and American Samoa, and the EEZ seaward of points 3 nautical miles from the shoreline of the CNMI.

*Crustaceans Permit Area 4* (Permit Area 4) means the EEZ around the PRIA, with the exception of EEZ waters around Midway Atoll.

*Crustaceans Permit Area 1 VMS Subarea* means an area within the EEZ off the NWHI 50 nm from the center geographical positions of the islands and reefs in the NWHI as follows: Nihoa Island 23°05' N. lat., 161°55' W. long.; Necker Island 23°35' N. lat., 164°40' W. long.; French Frigate Shoals 23°45' N. lat., 166°15' W. long.; Garner Pinnacles 25°00' N. lat., 168°00' W. long.; Maro Reef 25°25' N. lat., 170°35' W. long.; Laysan Island 25°45' N. lat., 171°45' W. long.; Lisianski Island 26°00' N. lat., 173°55' W. long.; Pearl and Hermes Reef 27°50' N. lat., 175°50' W. long.; Midway Islands 28°14' N. lat., 177°22' W. long.; and Kure Island 28°25' N. lat., 178°20' W. long. The remainder of the VMS subarea is delimited by parallel lines tangent to and connecting the 50-nm areas around the following: from Nihoa Island to Necker Island; from French Frigate Shoals to Gardner Pinnacles; from Gardner Pinnacles to Maro Reef; from Laysan Island to Lisianski Island; and from Lisianski Island to Pearl and Hermes Reef.

*Crustaceans receiving vessel* means a vessel of the United States to which lobsters taken in the crustaceans management area are transferred from another vessel.

*Currently harvested coral reef taxa* (CHCRT) means coral reef associated species, families, or subfamilies, as described in Table 3 of this part, that have annual landings greater than 454.54 kg (1,000 lb) as reported on individual state, commonwealth, or territory catch reports or through creel surveys. Fisheries and research data from many of these species have been analyzed by regional management agencies.

*Dead coral* means any precious coral that no longer has any live coral polyps or tissue.

*Deep-set or Deep-setting* means the deployment of, or deploying, respectively, longline gear in a manner consistent with all the following criteria: with all float lines at least 20 meters in length; with a minimum of 15 branch lines between any two floats (except basket-style longline gear which may have as few as 10 branch lines between any two floats); without the use of light sticks; and resulting in the possession or landing of no more than 10 swordfish (*Xiphias gladius*) at any time during a given trip. As used in this definition “float line” means a line used to suspend the main longline beneath a float and “light stick” means any type of light emitting device, including any fluorescent “glow bead”, chemical, or electrically powered light that is affixed underwater to the longline gear.

*EFP* means an experimental fishing permit.

*First level buyer* means:

(1) The first person who purchases, with the intention to resell, management unit species, or portions thereof, that were harvested by a vessel that holds a permit or is otherwise regulated under subpart D of this part; or

(2) A person who provides recordkeeping, purchase, or sales assistance in the first transaction involving management unit species (such as the services provided by a wholesale auction facility).

*Fish dealer* means any person who:

(1) Obtains, with the intention to resell, Pacific pelagic management unit species, or portions thereof, that were harvested or received by a vessel that holds a permit or is otherwise regulated under subpart E of this part; or

(2) Provides recordkeeping, purchase, or sales assistance in obtaining or selling such management unit species (such as the services provided by a wholesale auction facility).

*Fishing gear*, as used in subpart D of this part, includes:

(1) *Bottom trawl*, which means a trawl in which the otter boards or the footrope of the net are in contact with the sea bed.

(2) *Gillnet*, (see § 600.10).

(3) *Hook-and-line*, which means one or more hooks attached to one or more lines.

(4) *Set net*, which means a stationary, buoyed, and anchored gill net.

(5) *Trawl*, (see § 600.10).

*Fishing trip* means a period of time during which fishing is conducted, beginning when the vessel leaves port and ending when the vessel lands fish.

*Fishing year* means the year beginning at 0001 local time on January 1 and ending at 2400 local time on December 31, with the exception of fishing for Hawaii Restricted Bottomfish Species.

*Freeboard* means the straight-line vertical distance between a vessel's working deck and the sea surface. If the vessel does not have gunwale door or stern door that exposes the working deck, freeboard means the straight-line vertical distance between the top of a vessel's railing and the sea surface.

*Guam bottomfish permit* means the permit required by § 665.61(a)(4) to use a large vessel to fish for, land, or transship bottomfish management unit species shoreward of the outer boundary of the Guam subarea of the bottomfish fishery management area.

*Harvest guideline* means a specified numerical harvest objective.

*Hawaiian Archipelago* means the Main and Northwestern Hawaiian Islands, including Midway Atoll.

*Hawaii longline limited access permit* means the permit required by § 665.21 to use a vessel to fish for Pacific pelagic management unit species with longline gear in the EEZ around Hawaii or to land or transship longline-caught Pacific pelagic management unit species shoreward of the outer boundary of the EEZ around Hawaii.

*Hawaii restricted bottomfish species fishing year 2008-09 and After* means the year beginning at 0001 HST on September 1 and ending at 2400 HST on August 31 of the next calendar year.

*Hookah breather* means a tethered underwater breathing device that pumps air from the surface through one or more hoses to divers at depth.

*Incidental catch or incidental species* means species caught while fishing for the primary purpose of catching a different species.

*Interested parties* means the State of Hawaii Department of Land and Natural Resources, the Council, holders of permits issued under subpart D of this

part, and any person who has notified the Regional Administrator of his or her interest in the procedures and decisions described in §§ 665.51 and 665.52, and who has specifically requested to be considered an “interested party.”

*Land or landing* means offloading fish from a fishing vessel, arriving in port to begin offloading fish, or causing fish to be offloaded from a fishing vessel.

*Large vessel* means, as used in §§ 665.22, 665.37, 665.38, 665.61, 665.62, and 665.70, any vessel equal to or greater than 50 ft (15.2 m) in length overall.

*Length overall (LOA) or length of a vessel* means, as used in §§ 665.21(i) and 665.22, the horizontal distance, rounded to the nearest foot (with any 0.5 foot or 0.15 meter fraction rounded upward), between the foremost part of the stem and the aftermost part of the stern, excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments (see Figure 2 to this part). “Stem” is the foremost part of the vessel, consisting of a section of timber or fiberglass, or cast forged or rolled metal, to which the sides of the vessel are united at the fore end, with the lower end united to the keel, and with the bowsprit, if one is present, resting on the upper end. “Stern” is the aftermost part of the vessel.

*Live coral* means any precious coral that has live coral polyps or tissue.

*Live rock* means any natural, hard substrate, including dead coral or rock, to which is attached, or which supports, any living marine life-form associated with coral reefs.

*Lobster closed area* means an area of the EEZ that is closed to fishing for lobster.

*Lobster grounds* refers, singularly or collectively, to the following four areas in Crustaceans Permit Area 1 that shall be used to manage the lobster fishery:

(1) *Necker Island Lobster Grounds*—waters bounded by straight lines connecting the following coordinates in the order presented: 24°00′ N. lat., 165°00′ W. long.; 24°00′ N. lat., 164°00′ W. long.; 23°00′ N. lat., 164°00′ W. long.; and 23°00′ N. lat., 165°00′ W. long.

(2) *Gardner Pinnacles Lobster Grounds*—waters bounded by straight lines connecting the following coordinates in the order presented: 25°20′ N.

lat., 168°20′ W. long.; 25°20′ N. lat., 167°40′ W. long.; 24°20′ N. lat., 167°40′ W. long.; and 24°20′ N. lat., 168°20′ W. long.

(3) *Maro Reef Lobster Grounds*—waters bounded by straight lines connecting the following coordinates in the order presented: 25°40′ N. lat., 171°00′ W. long.; 25°40′ N. lat., 170°20′ W. long.; 25°00′ N. lat., 170°20′ W. long.; and 25°00′ N. lat., 171°00′ W. long.

(4) *General NWHI Lobster Grounds*—all waters within Crustaceans Permit Area 1 except for the Necker Island, Gardner Pinnacles, and Maro Reef Lobster Grounds.

*Longline fishing prohibited area* means the portions of the EEZ in which longline fishing is prohibited as specified in § 665.26.

*Longline fishing vessel* means a vessel that has longline gear on board the vessel.

*Longline gear* means a type of fishing gear consisting of a main line that exceeds 1 nm in length, is suspended horizontally in the water column either anchored, floating, or attached to a vessel, and from which branch or dropper lines with hooks are attached; except that, within the protected species zone, longline gear means a type of fishing gear consisting of a main line of any length that is suspended horizontally in the water column either anchored, floating, or attached to a vessel, and from which branch or dropper lines with hooks are attached.

*Low use marine protected area (MPA)* means an area of the U.S. EEZ where fishing operations have specific restrictions in order to protect the coral reef ecosystem, as specified under area restrictions.

*Main Hawaiian Islands* means the islands of the Hawaiian Islands Archipelago lying to the east of 161° W. long.

*Main Hawaiian Islands Non-Commercial Bottomfish Permit* means the permit required by § 665.61(a)(4) to own or fish from a vessel that is used in any non-commercial vessel-based fishing, landing, or transshipment of any bottomfish management unit species in the Main Hawaiian Islands Management Subarea.

*Medium vessel*, as used in §§ 665.61 through 665.72, means any vessel equal to or more than 40 ft (12.2 m) and less than 50 ft (15.2 m) in length overall.

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*Non-commercial fishing* means fishing that does not meet the definition of commercial fishing.

*Non-precious coral* means any species of coral other than those listed under the definition for precious coral in this section.

*Non-selective gear* means any gear used for harvesting corals that cannot discriminate or differentiate between types, size, quality, or characteristics of living or dead corals.

*Northwestern Hawaiian Islands (NWHI)* means the islands of the Hawaiian Islands Archipelago lying to the west of 161° W. long.

*No-take MPA* means an area of the U.S. EEZ that is closed to fishing for or harvesting of management unit species, precious corals and seamount groundfish, as defined in this section.

*Offloading* means removing management unit species from a vessel.

*Offset circle hook* means a circle hook in which the barbed end of the hook is displaced relative to the parallel plane of the eyed-end, or shank, of the hook when laid on its side.

*Owner*, as used in subparts C and D of this part and § 665.61(i) through (m), means a person who is identified as the current owner of the vessel as described in the Certificate of Documentation (Form CG-1270) issued by the USCG for a documented vessel, or in a registration certificate issued by a state, a territory, or the USCG for an undocumented vessel. As used in subpart F of this part and § 665.61(c) through (h), the definition of “owner” in § 600.10 of this chapter continues to apply.

*Pacific Pelagic Management Unit Species* means the following fish:

Common name	Scientific name
Mahimahi (dolphinfish) .....	<i>Coryphaena</i> spp.
Indo-Pacific blue marlin .....	<i>Makaira mazara</i>
Black marlin .....	<i>M. indica</i>
Striped marlin .....	<i>Tetrapturus audax</i>
Shortbill spearfish .....	<i>T. angustirostris</i>
Swordfish .....	<i>Xiphias gladius</i>
Sailfish .....	<i>Istiophorus platypterus</i>
Pelagic thresher shark .....	<i>Alapias pelagicus</i>
Bigeye thresher shark .....	<i>Alopias</i>
Common thresher shark .....	<i>Alopias vulpinus</i>
Silky shark .....	<i>Carcharhinus falciformis</i>
Oceanic whitetip shark .....	<i>Carcharhinus longimanus</i>
Blue shark .....	<i>Prionace glauca</i>
Shortfin mako shark .....	<i>Isurus oxyrinchus</i>
Longfin mako shark .....	<i>Isurus paucus</i>
Salmon shark .....	<i>Lamna ditropis</i>
Albacore .....	<i>Thunnus alalunga</i>

Common name	Scientific name
Bigeye tuna .....	<i>T. obesus</i>
Yellowfin tuna .....	<i>T. albacore</i>
Northern bluefin tuna .....	<i>T. thynnus</i>
Skipjack tuna .....	<i>Katsuwonus pelamis</i>
Kawakawa .....	<i>Euthynnus affinis</i>
Wahoo .....	<i>Acanthocybium solandri</i>
Moonfish .....	<i>Lampris</i> spp.
Oilfish family .....	Gempylidae
Pomfret .....	family Bramidae
Other tuna relatives .....	<i>Auxis</i> spp., <i>Scomber</i> spp.; Allothunus spp.
Squid:	
Diamondback squid .....	<i>Thysanoteuthis rhombus</i>
Neon flying squid .....	<i>Ommastrephes bartramii</i>
Purpleback flying squid .....	<i>Sthenoteuthis oualaniensis</i>

*Pacific Islands Regional Office (PIRO)* means the headquarters of the Pacific Islands Region, NMFS, located at 1601 Kapiolani Blvd., Suite 1110, Honolulu, Hawaii 96814; telephone number (808) 944-2200.

*Pacific Remote Island Areas (PRIA) bottomfish fishing permit* means the permit required by § 665.61 to use a vessel to fish for bottomfish management unit species (MUS) in the EEZ around the PRIA, or to land bottomfish MUS shoreward of the outer boundary of the EEZ around the PRIA, with the exception of EEZ waters around Midway Atoll.

*Pacific Remote Island Areas (PRIA) crustacean fishing permit* means the permit required by § 665.41 to use a vessel to fish for crustacean management unit species (MUS) in the EEZ around the PRIA, or to land crustacean MUS shoreward of the outer boundary of the EEZ around the PRIA, with the exception of EEZ waters around Midway Atoll.

*Pacific Remote Island Areas (PRIA) pelagic troll and handline fishing permit* means the permit required by § 665.21 to use a vessel shoreward of the outer boundary of the EEZ around the PRIA to fish for Pacific pelagic management unit species using pelagic handline or troll fishing methods.

*Pacific remote island areas (PRIA, or U.S. island possessions in the Pacific Ocean)* means Palmyra Atoll, Kingman Reef, Jarvis Island, Baker Island, Howland Island, Johnston Atoll, Wake Island, and Midway Atoll.

*Pelagic handline fishing* means fishing for pelagic management unit species from a stationary or drifting vessel

using hook and line gear other than longline gear.

*Pelagic troll fishing (trolling)* means fishing for pelagic management unit species from a moving vessel using hook and line gear.

*Pelagics FMP* means the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region.

*Potentially harvested coral reef taxa* (PHCRT) means coral reef associated species, families, or subfamilies, as listed in Table 4 of this part, for which little or no information is available beyond general taxonomic and distribution descriptions. These species have either not been caught in the past or have been harvested annually in amounts less than 454.54 kg (1,000 lb). Coral reef ecosystem management unit species that are not listed as management unit species, precious corals, sea-mount groundfish, as defined in this section, or listed as CHCRT in Table 3 of this part.

*Precious coral* means any coral of the genus *Corallium* in addition to the following species of corals:

Common name	Scientific name
Pink coral (also known as red coral)	<i>Corallium secundum</i> .
Pink coral (also known as red coral)	<i>Corallium regale</i> .
Pink coral (also known as red coral)	<i>Corallium laauense</i> .
Gold coral	<i>Gerardia</i> spp.
Gold coral	<i>Callogorgia gilberti</i> .
Gold coral	<i>Narella</i> spp.
Gold coral	<i>Calyptrophora</i> spp.
Bamboo coral	<i>Lepidisis olapa</i> .
Bamboo coral	<i>Acanella</i> spp.
Black coral	<i>Antipathes dichotoma</i> .
Black coral	<i>Antipathes grandis</i> .
Black coral	<i>Antipathes ulex</i> .

*Precious coral permit area* means the area encompassing the precious coral beds in the management area. Each bed is designated by a permit area code and assigned to one of the following four categories:

- (1) *Established beds.* (i) Makapu'u (Oahu), Permit Area E-B-1, includes the area within a radius of 2.0 nm of a point at 21°18.0' N. lat., 157°32.5' W. long.
- (ii) Au'au Channel (Maui), Permit Area E-B-2, includes the area west and south of a point at 21°10' N. lat., 156°40' W. long., and east of a point at 21° N. lat., 157° W. long., and west and north of a point at 20°45' N. lat., 156°40' W. long.
- (2) *Conditional beds.* (i) Keahole Point (Hawaii), Permit Area C-B-1, includes

the area within a radius of 0.5 nm of a point at 19°46.0' N. lat., 156°06.0' W. long.

(ii) Kaena Point (Oahu), Permit Area C-B-2, includes the area within a radius of 0.5 nm of a point at 21°35.4' N. lat., 158°22.9' W. long.

(iii) Brooks Bank, Permit Area C-B-3, includes the area within a radius of 2.0 nm of a point at 24°06.0' N. lat., 166°48.0' W. long.

(iv) 180 Fathom Bank, Permit Area C-B-4, N.W. of Kure Atoll, includes the area within a radius of 2.0 nm of a point at 28°50.2' N. lat., 178°53.4' W. long.

(3) *Refugia.* Westpac Bed, Permit Area R-1, includes the area within a radius of 2.0 nm of a point at 23°18' N. lat., 162°35' W. long.

(4) *Exploratory areas.* (1) Permit Area X-P-H includes all coral beds, other than established beds, conditional beds, or refugia, in the EEZ seaward of the State of Hawaii.

(ii) Permit Area X-P-AS includes all coral beds, other than established beds, conditional beds, or refugia, in the EEZ seaward of American Samoa.

(iii) Permit Area X-P-G includes all coral beds, other than established beds, conditional beds, or refugia, in the EEZ seaward of Guam.

(iv) Permit Area X-P-PI includes all coral beds, other than established beds, conditional beds, or refugia, in the EEZ seaward of the U.S. Pacific Island possessions.

(v) Permit Area X-P-CNMI includes all coral beds, other than established beds, conditional beds, or refugia, in the EEZ seaward of points 3 nautical miles from the shoreline of the CNMI.

*Protected species* means an animal protected under the MMPA, listed under the ESA, or subject to the Migratory Bird Treaty Act, as amended.

*Protected species study zones* means the waters within a specified distance, designated by the Regional Administrator pursuant to § 665.66, around the following islands of the NWHI and as measured from the following coordinates: Nihoa Island 23°05' N. lat., 161°55' W. long.; Necker Island 23°35' N. lat., 164°40' W. long.; French Frigate Shoals 23°45' N. lat., 166°15' W. long.; Gardner Pinnacles 25°00' N. lat., 168°00' W. long.; Maro Reef 25°25' N. lat., 170°35' W. long.; Laysan Island 25°45' N. lat., 171°45' W. long.; Lisianski Island 26°00' N. lat.,

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173°55' W. long.; Pearl and Hermes Reef 27°50' N. lat., 175°50' W. long.; Midway Island 28°14' N. lat., 177°22' W. long.; and Kure Island 28°25' N. lat., 178°20' W. long. The protected species study zones encompasses waters within 50 nm of the geographical coordinates listed above.

*Protected species zone* means an area, designated under §665.26, measured from the center geographical positions of certain islands and reefs in the NWHI, as follows: Nihoa Island 23°05' N. lat., 161°55' W. long.; Necker Island 23°35' N. lat., 164°40' W. long.; French Frigate Shoals 23°45' N. lat., 166°15' W. long.; Gardner Pinnacles 25°00' N. lat., 168°00' W. long.; Maro Reef 25°25' N. lat., 170°35' W. long.; Laysan Island 25°45' N. lat., 171°45' W. long.; Lisianski Island 26°00' N. lat., 173°55' W. long.; Pearl and Hermes Reef 27°50' N. lat., 175°50' W. long.; Midway Islands 28°14' N. lat., 177°22' W. long.; and Kure Island 28°25' N. lat., 178°20' W. long. Where the areas are not contiguous, parallel lines drawn tangent to and connecting those semi-circles of the 50-nm areas that lie between Nihoa Island and Necker Island, French Frigate Shoals and Gardner Pinnacles, Gardner Pinnacles and Maro Reef, and Lisianski Island and Pearl and Hermes Reef, shall delimit the remainder of the protected species zone.

*Receiving vessel* means a vessel that receives fish or fish products from a fishing vessel, and with regard to a vessel holding a permit under §665.21(e) that also lands Pacific Pelagic Management Unit Species taken by other vessels using longline gear.

*Receiving vessel permit* means a permit required by §665.21(e) for a receiving vessel to transship or land Pacific pelagic management unit species taken by other vessels using longline gear.

*Regional Administrator* means Director, Pacific Islands Region, NMFS (see Table 1 of §600.502 for address).

*Seamount groundfish* means the following species:

Common name	Scientific name
Armorhead .....	<i>Pseudopentaceros richardsoni</i>
Alfonsin .....	<i>Beryx splendens</i>
Rattfish .....	<i>Hyperoglyphe japonica</i>

*Selective gear* means any gear used for harvesting corals that can discriminate or differentiate between type, size, quality, or characteristics of living or dead corals.

*Shallow-set or Shallow-setting* means the deployment of, or deploying, respectively, longline gear in a manner that does not meet the definition of deep-set or deep-setting as defined in this section.

*Shallow-set certificate* means an original paper certificate that is issued by NMFS and valid for one shallow-set of longline gear (more than one nautical mile of deployed longline gear is a complete set) for sets that start during the period of validity indicated on the certificate.

*Special Agent-In-Charge (SAC)* means the Special-Agent-In-Charge, NMFS, Pacific Islands Enforcement Division, or a designee of the SAC, located at 300 Ala Moana Blvd., Suite 7-118, Honolulu, Hawaii, 96850; telephone number (808) 541-2727.

*Special permit* means a permit issued to allow fishing for coral reef ecosystem management unit species in low-use MPAs or to fish for any PHCRT.

*Squid jig fishing* means fishing for squid that are Pelagic management unit species using a hook or hooks attached to a line that is raised and lowered in the water column by manual or mechanical means.

*State of Hawaii Commercial Marine License* means the license required by the State of Hawaii for anyone to take marine life for commercial purposes (also known as the commercial fishing license).

*Transship* means offloading or otherwise transferring management unit species or products thereof to a receiving vessel.

*Trap* means a box-like device used for catching and holding lobsters or fish.

*U.S. harvested corals* means coral caught, taken, or harvested by vessels of the United States within any fishery for which a fishery management plan has been implemented under the Magnuson Act.

*Vessel monitoring system unit (VMS unit)* means the hardware and software owned by NMFS, installed on vessels by NMFS, and required to track and

transmit the positions of certain vessels.

*Western Pacific Fishery Management Area* means those waters shoreward of the outer boundary of the EEZ around American Samoa, Guam, Hawaii, the Northern Mariana Islands, Midway, Johnston and Palmyra Atolls, Kingman Reef, and Wake, Jarvis, Baker, and Howland Islands.

*Western Pacific general longline permit* means the permit authorized under § 665.21 to use a vessel shoreward of the outer boundary of the EEZ around Guam, the Northern Mariana Islands, Johnston or Palmyra Atolls, Kingman Reef, or Wake, Jarvis, Baker or Howland Islands to fish for Pacific pelagic management unit species using longline gear or to land or to transship Pacific pelagic management unit species that were caught using longline gear.

[61 FR 34572, July 2, 1996]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 665.12, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

**§ 665.13 Permits and fees.**

(a) *Applicability.* The requirements for permits for specific Western Pacific fisheries are set forth in subparts C, D, E, F, and G of this part.

(b) *Validity.* Each permit is valid for fishing only in the specific fishery management areas identified on the permit.

(c) *Application.* (1) A Western Pacific Federal Fisheries Permit Application Form may be obtained from the NMFS PIRO to apply for a permit or permits to operate in any of the fisheries regulated under subparts C, D, E, F, and G of this part. The completed application must be submitted to PIRO. In no case shall PIRO accept an application that is not on the Western Pacific Federal Fisheries Application Form.

(2) A minimum of 15 days after the day PIRO receives a complete application should be allowed for processing a permit application for fisheries under subparts C, D, E, and F of this part. A minimum of 60 days after the day PIRO receives a complete application should be allowed for processing a permit application for fisheries under subpart J

of this part. If an incomplete or improperly completed application is filed, the applicant will be sent a letter of notice of deficiency. If the applicant fails to correct the deficiency within 30 days following the date of the letter of notification of deficiency, the application will be considered abandoned.

(d) *Change in application information.* Any change in the permit application information or vessel documentation, submitted under paragraph (c) of this section, must be reported to PIRO in writing within 15 days of the change to avoid a delay in processing the permit application. A minimum of 10 days from the day the information is received by PIRO should be given for PIRO to record any change in information from the permit application submitted under paragraph (c) of this section. Failure to report such changes may result in a delay in processing an application, permit holders failing to receive important notifications, or sanctions pursuant to the Magnuson-Stevens Act at 16 U.S.C. § 1858(g) or 15 CFR part 904, subpart D.

(e) *Issuance.* After receiving a complete application, the Regional Administrator will issue a permit to an applicant who is eligible under §§ 665.21, 665.36, 665.41, 665.61, 665.601, or 665.8, or 665.602 as appropriate.

(f) *Fees.* (1) PIRO will not charge a fee for a permit issued under subpart D or F of this part, for a Ho'omalua Zone limited access permit, or for a Guam bottomfish permit issued under § 665.61.

(2) PIRO will charge a non-refundable processing fee for each application (including transfers and renewals) for the following permits. The amount of the fee is calculated in accordance with the procedures of the NOAA Finance Handbook, for determining the administrative costs of each special product or service incurred in processing the permit. The fee may not exceed such costs and is specified with each application form. The appropriate fee must accompany each application. Failure to pay the fee will preclude the issuance, transfer or renewal of any of these permits:

- (i) Hawaii longline limited access permit.
- (ii) Mau Zone limited access permit.